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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,608	04/15/2004	Takayuki Murakami	040894-7024	6401
9629 7590 09/25/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER MILLER, BRIAN E	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,608	Applicant(s) MURAKAMI, TAKAYUKI	
	Examiner Brian E. Miller	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 6-12 is/are allowed.
- 6) ☒ Claim(s) 2-5 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-13 are now pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/18/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) Claim 2 recites "both side edges of the clamper plate are spirally wound..." which renders the claim indefinite. It is not readily apparent from this language whether the clamper plate is additionally "spirally wound" to the already "closely folded" recitation in claim 2, or "spirally wound" is substituted for "closely folded." Clarification is necessary; (b) claim 13, the phrase "into two for two times" is misdescriptive. It is not readily apparent how the clamping plate could be closely folded into two, e.g., in half, then again, e.g., in quarters, and be operationally functional also.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art, i.e., FIGs. 12-14, (AAPA) in view of Iwanaga (US 4,996,615) or AAPA (FIG. 15). The AAPA discloses a disk player (FIG. 11) for rotating a disk D and reads reading information recorded on the disk, the disk player comprising: a cabinet 2; a disk tray on which the disk is placed and retractably disposed in the cabinet (via tray 1); a clamper plate 3 made of steel in which both ends thereof being bridged between wall parts 2a provided on both sides of the cabinet, as shown in the FIGs.; a turntable 7 (FIGs. 13-14) disposed in the cabinet and, the turntable moves the disk placed on the disk tray in an up-and-down direction, and rotates the disk; a clamper 5 engaged in a guide hole 6 formed in a center of the clamper plate 3 so as to move in an up-and-down direction within a predetermined range, and clamps the disk with the turntable (top of page 2 and as shown in the FIGs.); an optical pickup that reads the information recorded on the disk (not shown, but inherent to the disk device), and wherein both side edges 3a of the clamper plate are folded, thereby forming reinforcement portions (also see the specification from page 1, lines 9-15). The AAPA does not show the side edges 3a being overlappingly folded as required by the claims. The AAPA, however, shows this configuration, having an overlapping portion 3b; while Iwanaga discloses a disk device having a plate 27 (FIG. 11, 17) including side edges 28a which are folded to overlap the shield plate, respectively (see

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col. 7, lines 1-21). From these teachings, it would have been obvious to have formed the bent portions 3a, to have been folded to be overlapping of the plate, as taught by both the AAPA (FIG. 15) and Iwanaga, as described above. The motivation would have been: folding the plate would have doubled the rigidity of the thin plate and making it stronger on the edge portions, which would have been readily apparent to a skilled artisan.

6. Claims 3 & 4 additionally recite that the folding is at least two folds, however, it would have been considered obvious to have increased the folds in the device above as well, as merely a duplication and further increasing the strength thereof. See also *St. Regis Paper Co. v Bemis Co.* 193 USPQ 8 (7th Cir. 1977) on these matters of duplication.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art, i.e., FIGs. 12-14, (AAPA) in view of Iwanaga (US 4,996,615) or AAPA (FIG. 15) as applied to claim 2 above, and further in view of Shigeuchi et al (JP 7-235173). For a description of the AAPA and Iwanaga, see the rejection, supra. They remain expressly silent as to an annular reinforcement projection and a linear reinforcement projections extending therefrom.

Shigeuchi et al discloses a disk device plate (FIG. 1) which includes semi-annular and linear reinforcement projections 25 on the base plate, as shown in at least FIGs. 2(a), 2(c) and 2(d) and the ABSTRACT.

From this teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided additional reinforcement projections, as described above. The motivation would have been: lacking any unobvious or unexpected results, providing annular or linear projections would have been provided through routine engineering optimization, so as to provide a more rigid clamping plate, as would have been well within the

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knowledge of a skilled artisan, and as taught by Shigeuchi et al. The different shapes of ribs/projections would have been readily provided for by a skilled artisan as well.

Allowable Subject Matter

7. Claims 1, 6-13 are allowable over the prior art of record.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

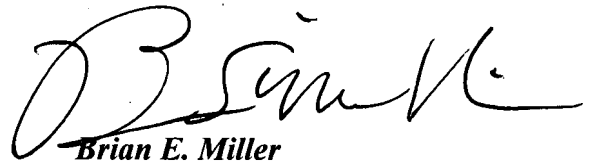
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "B. E. Miller", with a stylized flourish at the end.

Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
September 19, 2007